

[JOINT FILING - SEE SIGNATURE PAGE FOR COUNSEL]

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION**

eBay Inc. and Microsoft Corporation,
*Plaintiffs and Counterclaim-
Defendants,*

VS.

PartsRiver, Inc. and Kelora Systems, LLC,
*Defendants and Counterclaim-
Plaintiff.*

No. 4:10-cv-4947-CW (filed Nov. 2, 2010)

STIPULATION AND ORDER RELATING CASES

[CIVIL L.R. 3-12 AND 7-12]

STIPULATION

Pursuant to Civil Local Rule 3-12(b) and Civil Local Rule 7-12, Kelora Systems, LLC (“Kelora”) and Adobe Systems Incorporated (“Adobe”) file this stipulation and proposed order asking the Court to consider whether the following actions are related:

1. This action: *eBay Inc. and Microsoft Corp. v. PartsRiver, Inc. and Kelora Systems, LLC*, No. 4:10-cv-4947-CW (filed Nov. 2, 2010);

2. New action: *Adobe Systems Incorporated v. Kelora Systems, LLC*, No. 3:11-cv-03938-WHA (filed August 10, 2011).

3. First-filed case to which this action was previously related by this Court:
PartsRiver, Inc., v. Shopzilla, Inc.; Yahoo! Inc.; eBay Inc.; and Microsoft Corporation, No. 4:09-cv-00811-CW (filed Feb. 25, 2009) (“Case No. 09-811”).

4. Other actions previously related to Case No. 09-811 per this Court's orders: *eBay Inc. v. PartsRiver, Inc. and Kelora Systems, LLC*, No. 4:10-cv-5106-CW (filed Nov. 10, 2010); and *Microsoft Corp. v. PartsRiver, Inc. and Kelora Systems, LLC*, No. 4:10-cv-5108-CW (filed Nov. 10, 2010); *Kelora Systems, LLC v. Target Corporation et al.*, No. 5:11-cv-1548-CW (filed Nov. 8, 2010); *Shopzilla, Inc. v. Kelora Systems, LLC*, No. 4: 11-cv-00502-CW (filed Feb. 2,

1 2011); *Cabela's Inc. v. Kelora Systems, LLC*, No. 3:11-cv-1398 (filed March 23, 2011); *Nebraska*
 2 *Furniture Mart Inc. v. Kelora Systems, LLC*, No. 4:11-cv-02284 (filed May 10, 2011).

3 All of the above-referenced actions concern United States Patent No. 6,275,821. The new
 4 action filed on August 10, 2011, concerns Kelora, a party to the actions previously related to Case
 5 No. 09-811 per this Court's orders. Adobe is a declaratory judgment plaintiff in the new action.

6 Kelora and Adobe therefore agree that the actions listed above are "related" as defined by
 7 Civil Local Rule 3-12(a), and that the new action filed August 10, 2011, should be reassigned to
 8 the judge presiding over the first-filed action (Case No. 09-811): Judge Wilken in the Oakland
 9 Division.

10 IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

11 Dated: September 29, 2011 By: /s/ Robert D. Becker

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1 Dated: September 29, 2011

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15 *Counsel for Adobe Systems Incorporated*

16 **SIGNATURE ATTESTATION**

17 Pursuant to General Order No. 45(X)(B), I hereby certify that concurrence in the filing of
18 this document has been obtained from each of the other signatories shown above.

20 /s/ Robert D. Becker

21 Robert D. Becker

1 **ORDER RELATING CASES**

2 As the judge assigned to the earliest filed case below that bears my initials, I find that the
3 recently filed case that I have initialed below is related under Civil Local Rule 3-12 to the cases
4 below already assigned to me, and that this recently filed case shall be reassigned to me.

5 Original and previously related cases:

6 *PartsRiver, Inc., v. Shopzilla, Inc.; Yahoo! Inc.; eBay Inc.; and Microsoft*
7 *Corporation*, No. 4:09-cv-00811-CW (filed Feb. 25, 2009);

8 *eBay Inc. and Microsoft Corp. v. PartsRiver, Inc. and Kelora Systems, LLC*, No.
9 4:10-cv-4947-CW (filed Nov. 2, 2010);

10 *Kelora Systems, LLC v. Target Corporation et al.*, No. 5:11-cv-1548-CW (filed
11 Nov. 8, 2010);

12 *eBay Inc. v. PartsRiver, Inc. and Kelora Systems, LLC*, No. 4:10-cv-5106-CW
13 (filed Nov. 10, 2010);

14 *Microsoft Corp. v. PartsRiver, Inc. and Kelora Systems, LLC*, No. 4:10-cv-5108-
15 CW (filed Nov. 10, 2010);

16 *Shopzilla, Inc. v. Kelora Systems, LLC*, No. 4:11-cv-00502-CW (filed Feb. 2,
17 2011).

18 *Cabela's, Inc. v. Kelora Systems, LLC*, No. 3:11-cv-1398-WHA (filed Mar. 23,
19 2011).

20 *Nebraska Furniture Mart Inc. v. Kelora Systems, LLC*, No. 4:11-cv-02284 (filed
21 May 10, 2011).

22 New action to be assigned:

23 *Adobe Systems Incorporated v. Kelora Systems, LLC*, No. 3:11-cv-03938-WHA
24 (filed August 10, 2011).

25 I find that the above case is related to the cases assigned to me. CW

26 SO ORDERED.

27 Dated: 10/4/2011


CLAUDIA WILKEN
United States District Judge